
Philip Services Corporation Georgetown Facility Groundwater Contamination and Property Immediately West of the Facility

Washington State Department of Ecology seeks public comment on legal agreement with SAD Properties, LLC

Proposed consent decree available for public comment

The state Department of Ecology (Ecology) has negotiated an agreement with SAD Properties, LLC (SAD) for the property located at 710 South Lucile St., Seattle, WA. This agreement will:

- Provide access to the property at 710 S. Lucile St. for cleanup actions
- Provide consent for any future Groundwater Point of Compliance (for the Georgetown Plume Site) established per WAC 173-340-720(8)(d)
- Restrict uses of this property
- Document Ecology's agreement not to institute legal or administrative actions against SAD regarding releases or threatened releases of hazardous substances covered under the Decree.

Ecology invites the public's comments on the legal agreement. Public comments are due by May 4, 2004. See page 2 for more information.

Background

Philip Services Corporation (PSC) is the owner of a closed hazardous/dangerous waste management at 734 S. Lucile St. in Seattle, WA. As required by the facility's waste management permit, PSC must clean up past releases of hazardous substances. Such substances have contaminated the soil and groundwater. Contaminated groundwater from these past releases has moved off-site to the west and southwest,

contaminating groundwater beneath properties such as SAD's property at 710 S. Lucile St.

In January of 2004, PSC completed construction of a subsurface barrier wall that will contain highly contaminated groundwater in areas east of Denver Ave. S., and north of S. Lucile St. Since groundwater with significantly elevated concentrations of contaminants was present beneath not only the facility, but beneath three properties to the west of PSC, PSC requested access from the properties' owners to locate the wall on their parcels. As a result, PSC purchased one of these properties, and negotiated access agreements with the other two. One of these two was the 710 S. Lucile St. property owned by SAD.

To support the access agreements, Ecology prepared draft Consent Decrees. The Decrees describe the remedial action responsibilities the property owners will be bound to. They also contain language which protects these owners from liability under the Model Toxics Control Act for environmental contamination caused by the PSC facility.

Ecology's Proposed Consent Decree

Under the proposed consent decree, PSC's cleanup responsibilities associated with releases from the Georgetown facility will not change. PSC has recently submitted a Remedial Investigation Report, and Ecology has provided comments. Once the Report is approved as final, PSC will proceed to study the feasibility of any final remedial measures deemed necessary, in addition to those interim measures – such as the barrier wall and the building-specific vapor mitigation

measures – already implemented. Once this study has been completed, it will be documented in a Feasibility Study Report. The preferred measure, or set of measures, approved by Ecology, will then be described in a draft Cleanup Action Plan, provided to the public for comment.

The Decree would, as noted above, restrict uses of the SAD property at 710 S. Lucile St., and allow Ecology and PSC access for activities related to remedial measures. It would also allow a Groundwater Point of Compliance to be established on SAD's property (at the wall), if such a location was determined appropriate in the final PSC-Georgetown Cleanup Action Plan. In addition, it would provide SAD a covenant not to sue for potential liabilities under the Model Toxics Control Act, related to groundwater contamination that has migrated onto the property.

Ecology Welcomes Comments

Ecology is seeking public comment on the proposed consent decree. A public hearing may be scheduled if 10 or more people request one. Ecology will provide advance notice of any scheduled hearing date.

Additional information about this agreement can be requested by calling Ed Jones at (425) 649-4449, TTY (for the speech or hearing impaired) 711 or 800-833-6388, or by accessing Ecology's website: <http://www.ecy.wa.gov/programs/hwtr/foia/index.html>

Send comments by **letter or e-mail (or hand delivery)** to:

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To be considered, comments must be postmarked or received (by e-mail or via hand delivery) by May 4, 2004.

The most effective comments are those in which the commenter provides specific information describing his or her points or concerns.

Responding to Comments

Ecology will review all comments received by the close of the comment period and will make recommendations for any suggested changes to the document. If no significant changes are made, the consent decree will be considered a final document and entered into a court of law.

For more information:

If you have questions, or want to obtain documents in an alternative format, contact Ed Jones at (425) 649-4449, or, TTY (for the speech or hearing impaired) 711 or (800) 833-6388. To be on a list for future mailings regarding the consent decree or the PSC-Georgetown site, contact Ed Jones.

The *Consent Decree* is a legal document, approved and entered by a court, formalizing an agreement between Ecology and potentially liable persons (PLPs). Once signed, a Consent Decree relieves liability of a PLP for known contamination once the cleanup is complete.

Corrective action and remedial action are terms used to describe cleanup actions. These actions can be activities as diverse as deed restrictions or the construction of containment structures, as well as actions like excavating contaminated soils.

A *Potentially Liable Person* is defined as any individual(s) or company(s) potentially responsible for, or contributing to, the contamination problems at a site. Whenever possible, Ecology requires these PLPs, through administrative and legal actions, to clean up hazardous waste sites for which they may be liable.

HWTR
Department of Ecology
PO Box 47600
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Information on proposed consent decree issued for public comment

We used several mailing lists. If you receive a duplicate, please pass it on.

